

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DISTRICT

In re:) Case No.: 14-4481-399
JAMAT, LLC,) Honorable Barry S. Schermer
) Chapter 11 Proceeding
)
Debtor.) MOTION TO APPROVE
) STORE CLOSING SALE PURSUANT
) TO 11 U.S.C. §363(B)
)
) Hearing Date: June 23, 2014
) Hearing Time: 9:30 a.m.
) Hearing Location: Courtroom 5 North
)
) Spencer P. Desai, Esq.
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**MOTION TO APPROVE STORE CLOSING SALE PURSUANT TO
11 U.S.C. §363(B)**

COMES NOW Jamat, LLC d/b/a Mattress Source (“Debtor”), by and through counsel, and for its *Motion to Approve Store Closing Sale Pursuant to 11 U.S.C. § 363(b)* (the “Motion”), states to the Court as follows:

JURISDICTION AND VENUE

1. On June 13, 2014 (the “**Petition Date**”), Debtor filed a voluntary petition for relief under Chapter 11, Title 11 of the United States Code (the “**Bankruptcy Code**”), in the United States Bankruptcy Court for the Eastern District of Missouri.
2. Pursuant to Sections 1107(a) and 1108 of the Bankruptcy Code, Debtor is continuing to operate its business as a debtor in possession. No trustee or examiner has been

appointed, and no official committee of creditors or equity interest holders has yet been established in this Chapter 11 case.

3. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334. Venue of this proceeding and this Motion is proper in this District pursuant to 28 U.S.C. §§ 1408 and 1409. This is a core proceeding pursuant to 28 U.S.C. § 157. No prior request has been made to this Court or any other court for the relief sought herein.

RELIEF REQUESTED

4. Among the Debtor's existing locations are stores at 9120 Overland Plaza, Overland, Missouri 63114 ("Overland"), 330 Mid Rivers Mall Drive, St. Peters, Missouri 63376 ("Mid Rivers"), and 3176 Telegraph Road, St. Louis, Missouri 63125 ("Telegraph"). These locations have been identified by the Debtor as underperforming stores.

5. The Debtor has determined that maintaining its retail stores at these locations is no longer feasible and is not in the best interest of the Bankruptcy Estate.

6. The Debtor has filed a motion to reject the existing lease at the Overland location. It is anticipated that the Debtor will cease operations in that location on approximately June 15, 2014, and vacate the location by June 21, 2014.

7. The Mid Rivers and Telegraph locations will be closed sometime in June 2014 with the Debtor vacating those locations by June 30, 2014.

8. The Debtor seeks authority to conduct store closing sales at the Overland, Mid Rivers and Telegraph locations. The Debtor believes that the prompt and efficient closing of these locations will result in the highest value for inventory and stop losses from continuing to accrue at these locations. It will also eliminate the need to incur additional cost and expense in moving the subject inventory.

9. The inventory on hand at the Overland, Mid Rivers and Telegraph locations is subject to the lien and security interest of the Debtor's primary secured lender, Arsenal Credit Union. Arsenal Credit Union consents to this proposed sale.

10. The Debtor willing and prepared to pay all continuing lease payment obligations due to the Overland, Mid Rivers and Telegraph landlords until the Debtor completely vacates these locations.

11. The Debtor will be filing a motion to reject the Mid Rivers and Telegraph locations effective June 30, 2014. A motion to reject the Overland location has been filed.

WHEREFORE, Debtor respectfully requests that this Court enter an order authorizing the Debtor to conduct a store closing sale at its Overland, Mid Rivers and Telegraph locations, authorizing the Debtor to conduct sale outside the ordinary course of the Debtor's normal business activities and for such other and further relief as the Court deems just and proper.

Respectfully submitted,

DESAI EGGMANN MASON LLC

By: /s/ Spencer P. Desai
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ATTORNEYS FOR DEBTOR

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing pleading was served this 17th day of June, 2014, by electronic filing in the CM/ECF system of the United States Bankruptcy Court for the Eastern District of Missouri or via Federal Express or Express Mail to:

American Express Gold Business P.O. Box 650448 Dallas, TX 75265-0448	American Express P.O. Box 650448 Dallas, TX 75265-0448
Breihan Properties, LLC 8460 Watson Road, Ste. 220 St. Louis, Missouri 63119	Capes, Sokol, Goodman & Sarachan, PC 7701 Forsyth Blvd., 12 th Floor ST. Louis, MO 63105
Emmis Operating Company 25673 Network Place Chicago, IL 60673-1256	G & U VI St. Charles Retail, LLC c/o Amer Commercial Realty Corp. 324 Datura St., Ste. 102 West West Palm Beach, FL 33401
HS Levy Residuary Trust Maxine Levy, Trustee 701 S. Hanley Road St. Louis, MO 63105	Jadco Properties, LLC 1703 Stifel Lane Drive Chesterfield, MO 63017
KMOV P.O. Box 732414 Dallas, TX 77216	KSDK Gannett Co., Inc. P.O. Box 637378 Cincinnati, OH 45263-7378
Loughborough Commons 25 N. Brentwood BLvd. St. Louis, MO 63105	Midwest Sleep, LLC 1000 S. Prospect Drive Toledo, IA 52342
New Visions Marketing 1858 Black Oak Drive Farmington, MO 63640	Overland Plaza, LLC 1963 Solution Center Chicago, IL 60677
Pinnacle Accounting Group, LLC 3551 Evergreen Lane St. Louis, MO 63125	Primo International 7000 Hochelagea Montreal Quebec, CA
Restonic 718 West Chase Street Springfield, MO 65803	SM Properties, Edwardsville, LLC 25 N. Brentwood St. Louis, MO 63105
The O'Fallon Development, LLC c/o Tkg Management, Inc. 211 N. Stadium Blvd., Ste. 201 Columbia, MO 65203	Unshippers 3337 North Hull Street, Ste. 300 Metairie, LA 70002

Arsenal Credit Union 3780 Vogel Road Arnold, MO 63010	Office of the U.S. Trustee 111 South Tenth Street, Suite 6353 St. Louis, MO 63102
Overland Plaza LLC c/o The Lipton Group, Inc. 7211 Delmar Blvd. St. Louis, MO 63130	

/s/ Spencer P. Desai